

Exhibit D

1 H I G H L Y C O N F I D E N T I A L
2 U N I T E D S T A T E S D I S T R I C T C O U R T
3 S O U T H E R N D I S T R I C T O F N E W Y O R K

4 -----X

5 I N R E S E P T E M B E R 1 1 L I T I G A T I O N

6 N o . 2 1 M C 1 0 1 (A K H)

7 -----X

8 J u n e 9 , 2 0 0 9

9 8 : 3 3 a . m .

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11 V i d e o t a p e d d e p o s i t i o n o f C L A U D I O M A N N O ,

12 t a k e n b y D e f e n d a n t s , p u r s u a n t t o N o t i c e , a t t h e

13 F a i r m o n t H o t e l , 2 4 0 1 M S t r e e t , N o r t h w e s t ,

14 W a s h i n g t o n , D . C . , b e f o r e G A I L F . S C H O R R , a

15 C e r t i f i e d S h o r t h a n d R e p o r t e r , C e r t i f i e d R e a l t i m e

16 R e p o r t e r , a n d N o t a r y P u b l i c w i t h i n a n d f o r t h e

17 S t a t e o f N e w Y o r k .

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1 CLAUDIO MANNO - HIGHLY CONFIDENTIAL
 2 A. Yes.
 3 Q. And does that refresh your
 4 recollection that you were -- that FAA
 5 was receiving intelligence reports from
 6 the CIA and the FBI concerning
 7 international terrorism?
 8 MR. PARRETT: Objection.
 9 MS. NORMAND: Objection.
 10 Q. You can answer.
 11 A. Yes.
 12 Q. I'd like to turn now,
 13 doubtless to Sarah's relief, to topic 29.
 14 Before 9/11, what did the FAA perceive to
 15 be the principal ways in which terrorists
 16 might pose a threat to American civil
 17 aviation?
 18 A. The primary threat was
 19 considered to be hijackings and bombings.
 20 Q. Now, during the 15 years or so
 21 were there any other principal threats
 22 besides hijackings and bombings --
 23 MS. NORMAND: Objection to
 24 form.
 25 Q. -- to American civil aviation

1 CLAUDIO MANNO - HIGHLY CONFIDENTIAL
 2 a United States airliner by a terrorist?
 3 And I mean domestically.
 4 MS. NORMAND: Prior to 9/11.
 5 A. Domestically?
 6 Q. Yes.
 7 A. There weren't any.
 8 Q. Is it accurate to state that
 9 there had not been any domestic
 10 hijackings of a United States airliner
 11 for at least 10 years prior to 9/11?
 12 A. I believe that the last one
 13 was in 1991.
 14 Q. Which is exactly 10 years.
 15 The 1988 Pan Am Flight 103
 16 bombing involved a terrorist attack on a
 17 United States airliner, did it not?
 18 A. Correct.
 19 Q. The 1993 World Trade Center
 20 bombing involved a terrorist attack on
 21 United States interests, did it not?
 22 A. Yes.
 23 Q. The 1995 Oklahoma City bombing
 24 involved a terrorist attack on United
 25 States interests, did it not?

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1 CLAUDIO MANNO - HIGHLY CONFIDENTIAL
 2 from terrorists?
 3 MR. PARRETT: Objection; form.
 4 MR. PODESTA: I didn't get,
 5 have an objection until I went on,
 6 all right.
 7 A. Primarily hijackings and
 8 bombings.
 9 Q. During the 15 years or so
 10 before 9/11, hadn't most major anti-US
 11 terrorist plots involved the use or
 12 planned use of some form of bomb or
 13 explosive?
 14 MR. TOMASIK: Objection; form.
 15 A. Could you restate the
 16 question.
 17 Q. Well, looking at the 15 years
 18 before 9/11, weren't there a number of
 19 attacks against -- of actual or planned
 20 terrorist attacks against American
 21 interests, not limited to civil aviation,
 22 that involved the actual or planned use
 23 of bombs or explosives?
 24 A. Yes, as well as hijackings.
 25 Q. When was the last hijacking of

1 CLAUDIO MANNO - HIGHLY CONFIDENTIAL
 2 MS. NORMAND: Objection to
 3 form.
 4 A. Correct.
 5 Q. Are you familiar with the
 6 so-called Bojinka plot?
 7 A. Yes.
 8 Q. And that was a plot in 1995 by
 9 Islamic terrorists to explode 12 or so US
 10 airliners in midair over the Pacific?
 11 A. Correct.
 12 Q. The 1998 embassy bombings in
 13 Nairobi and Tanzania involved an
 14 explosives attack by Islamic extremists
 15 against United States interests, did it
 16 not?
 17 A. Yes.
 18 Q. Are you familiar with the
 19 so-called Millennium plot by an Islamic
 20 extremist by the name of Ressaam to bomb
 21 some portion of Los Angeles International
 22 Airport?
 23 A. Yes.
 24 Q. And that was also an attack in
 25 which the mode of attack was explosives,

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 2 was it not?
 3 MR. TOMASIK: Objection; form.
 4 A. Planned attack.
 5 Q. Planned attack, correct. And
 6 the 19 -- and the year 2000, October 2000
 7 attack by Islamic extremists on the USS
 8 COLE in Yemen involved the use of
 9 explosives, did it not?
 10 A. Yes.
 11 Q. As you sit here today, can you
 12 think of a major terrorist attack against
 13 a domestic United States target or United
 14 States interests overseas in the 15 years
 15 prior to 9/11 that did not involve in
 16 some form the actual or planned use of
 17 explosives?
 18 A. The hijacking of TWA 847.
 19 Q. And when was that?
 20 A. I believe that was in 1995.
 21 Q. '95 or '85?
 22 A. '85, I'm sorry. '85, correct.
 23 Q. So that would be outside the
 24 15 years?
 25 A. Right.

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 2 Is that statement an accurate
 3 description of the FAA's immediate
 4 pre-9/11 perception of the terrorist
 5 threat?
 6 MR. TOMASIK: Objection; form.
 7 A. Yes.
 8 (Deposition Exhibit 26,
 9 previously marked and shown to
 10 witness.)
 11 Q. The 9/11 Commission report
 12 which has previously been marked Exhibit
 13 86 -- 26, I'm sorry contains the
 14 following statement at Page 82, and this
 15 is a commission statement, not
 16 attributable to any FAA individual, "In
 17 the years before 9/11, the FAA perceived
 18 sabotage as a greater threat to aviation
 19 than hijackings."
 20 Is that an accurate statement
 21 of the FAA's perception immediately prior
 22 to 9/11?
 23 MR. PARRETT: Objection;
 24 foundation.
 25 MS. NORMAND: Could you repeat

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 2 Q. Other than that, can you think
 3 of any major terrorist attack or planned
 4 terrorist attack against United States
 5 interests, domestic or foreign, in the 15
 6 years prior to 9/11 that did not involve
 7 the actual or planned use of some form of
 8 explosives?
 9 A. No.
 10 (Deposition Exhibit 32,
 11 previously marked and shown to
 12 witness.)
 13 Q. I'd like to just show you
 14 what's previously been marked what we
 15 call the Aviation Monograph, Exhibit 32,
 16 so you can have it in front of you for
 17 context, but my question is going to
 18 simply be a one-liner. The Aviation
 19 Monograph, which was prepared by the
 20 staff of the 9/11 Commission, quotes FAA
 21 commissioner Jane Garvey as having told
 22 the 9/11 Commission in her testimony "And
 23 on September 10, based on intelligence
 24 reporting, we saw explosive devices on
 25 aircraft as the most dangerous threat."

1 CLAUDIO MANNO - HIGHLY CONFIDENTIAL
 2 the question, please.
 3 (Record read as requested.)
 4 MR. TOMASIK: Objection; form.
 5 MR. PARRETT: Foundation.
 6 MS. NORMAND: The witness is
 7 not permitted to interpret
 8 documents that are not FAA or TSA
 9 documents, but you can ask him
 10 whether that --
 11 MR. PODESTA: I'm just asking
 12 whether he agrees with the
 13 statement.
 14 MR. TOMASIK: To that point,
 15 Sarah, in terms of the commission
 16 report and the Monograph, are those
 17 fair game for today's deposition?
 18 MS. NORMAND: I don't know
 19 what you mean by fair game.
 20 MR. TOMASIK: I understood
 21 that the witness was only going to
 22 testify to documents approved or
 23 authored by the witness.
 24 MS. NORMAND: That's why I'm
 25 asking Mr. Podesta to ask him

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1 CLAUDIO MANNO - HIGHLY CONFIDENTIAL
 2 whether the FAA perceived the
 3 threat of sabotage to be greater
 4 than hijackings.
 5 MR. PODESTA: Let me just ask
 6 the question straight up excising
 7 any contaminating reference to the
 8 9/11 Commission report.
 9 Q. In the years before 9/11, Mr.
 10 Manno, did the FAA perceive sabotage as a
 11 greater threat to aviation than
 12 hijacking, at least domestically?
 13 A. Yes.
 14 Q. Now isn't it true that
 15 terrorist bombing attacks on aircraft can
 16 be either suicidal or nonsuicidal?
 17 A. Yes.
 18 Q. In the aviation context, would
 19 a suicidal bombing attack be one in which
 20 the terrorist boards the plane with the
 21 bomb and remains onboard when the
 22 aircraft explodes?
 23 MR. TOMASIK: Objection to
 24 form.
 25 MR. PARRETT: Objection to

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 2 Lockerbie bombing involved a variant on
 3 that approach, did it not?
 4 MR. TOMASIK: Objection; form.
 5 A. Correct.
 6 Q. Before 9/11, which type of
 7 terrorist bombing attack, suicidal or
 8 nonsuicidal, did FAA consider more likely
 9 to occur in the context of United States
 10 domestic civil aviation?
 11 MS. NORMAND: Objection.
 12 A. Nonsuicidal.
 13 MS. NORMAND: Objection;
 14 foundation. Go ahead.
 15 A. Nonsuicidal.
 16 Q. In the worldwide history of
 17 civil aviation before 9/11, had there
 18 been instances of nonsuicidal bombings or
 19 planned bombings of commercial aircraft?
 20 MS. NORMAND: Objection; form.
 21 A. Yes.
 22 Q. We've already mentioned Pan Am
 23 103, that was --
 24 A. Yes.
 25 Q. And the Bojinka plot?

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1 CLAUDIO MANNO - HIGHLY CONFIDENTIAL
 2 form.
 3 A. It could be.
 4 Q. Now, are there several ways in
 5 which a terrorist might carry out a
 6 nonsuicidal bombing attack on a
 7 commercial aircraft?
 8 A. Yes.
 9 Q. One way is to place a bomb
 10 with a timing device onboard the aircraft
 11 and then deplane the aircraft before the
 12 next leg of the flight?
 13 A. Correct.
 14 Q. And the Bojinka plot, which we
 15 discussed earlier, was planned to involve
 16 that type of attack, was it not?
 17 A. Correct.
 18 Q. Another way to carry out a
 19 nonsuicidal bombing attack would be for
 20 the terrorist to sneak a bomb on the
 21 plane in checked baggage and then not
 22 board the plane himself or herself?
 23 MR. TOMASIK: Objection; form.
 24 A. Correct.
 25 Q. The Pan Am Flight 103

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 2 A. Yes.
 3 Q. Another nonsuicidal terrorist
 4 bombing of a commercial aircraft was the
 5 1985 Sikh Air Canada bombing?
 6 MR. TOMASIK: Objection; form.
 7 A. Yes.
 8 Q. And another example of a
 9 nonsuicidal international terrorist
 10 bombing was the 1987 North Korean bombing
 11 of a South Korean Air Line?
 12 A. Correct.
 13 MR. TOMASIK: Objection; form.
 14 Q. And another example of a
 15 nonsuicidal terrorist bombing of a
 16 commercial airliner before 9/11 was the
 17 1986 bombing of TWA 840 en route to
 18 Athens, Greece?
 19 A. Correct.
 20 MR. TOMASIK: Object to form.
 21 MR. PODESTA: Did you get the
 22 answer?
 23 THE REPORTER: Yes.
 24 Q. Are you aware, Mr. Manno, of a
 25 single historical instance before 9/11 of

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 2 a politically or ideologically motivated
 3 terrorist group actually exploding a bomb
 4 on a commercial airliner while a
 5 terrorist was onboard the plane?
 6 MR. TOMASIK: Objection to
 7 form; foundation.
 8 MR. PARRETT: Objection to
 9 foundation.
 10 A. No.
 11 Q. Before 9/11, had Islamic
 12 extremists, and I would include in
 13 Islamic extremists Osama bin Laden and al
 14 Qaeda, perhaps not surprisingly, shown an
 15 ability and willingness to engage in
 16 terrorist bombing attacks against United
 17 States interests?
 18 A. Yes.
 19 Q. An example of such an attack
 20 by Islamic extremists would be the
 21 African Embassy bombings?
 22 A. Yes.
 23 Q. Another example would be the
 24 Khobar Towers bombing in Saudi Arabia?
 25 A. Yes.

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 2 form.
 3 A. For what purpose?
 4 Q. Yes.
 5 A. To conduct a bombing.
 6 Q. Before 9/11 had FAA received
 7 intelligence information that terrorists
 8 were showing increasing sophistication in
 9 designing improvised explosive devices?
 10 MR. TOMASIK: Objection; form.
 11 MS. NORMAND: Just before you
 12 answer this, I would instruct the
 13 witness you are not permitted to
 14 discuss specific intelligence. I
 15 think the question calls for a
 16 general answer.
 17 MR. PODESTA: That's correct.
 18 And I will show him in a minute or
 19 two a couple of information
 20 circulars on it.
 21 A. Yes.
 22 Q. Did the FAA have any concern
 23 pre-9/11 that these newer versions of
 24 IEDs, or improvised explosive devices,
 25 were becoming more difficult for law

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 2 Q. Another example would be the
 3 attack on the USS COLE by a motor launch
 4 filled with explosives?
 5 A. Yes.
 6 Q. And going further back, yet
 7 another prominent example would have been
 8 the 1983 truck bomb attack on United
 9 States marine barracks in Beirut,
 10 Lebanon?
 11 MS. NORMAND: Objection; form.
 12 A. Yes.
 13 Q. Are you familiar, Mr. Manno,
 14 with the term improvised explosive device
 15 or IED?
 16 A. Yes.
 17 Q. What does that term mean to
 18 you, sir?
 19 A. It's a device that is
 20 manufactured, put together not in a -- as
 21 part of a production line like in a
 22 factory, but rather by the, typically
 23 terrorist groups.
 24 Q. For what purpose?
 25 MS. NORMAND: Objection to

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 2 enforcement or airport screening
 3 personnel to detect?
 4 A. Yes.
 5 Q. Before 9/11 did the FAA issue
 6 any information circulars warning
 7 airlines or airports to be on the alert
 8 for IEDs?
 9 A. Yes.
 10 Q. I'd like to show you now a
 11 couple of what I believe to be
 12 illustrative examples.
 13 MR. PODESTA: The first one I
 14 would like to have marked is, it
 15 would be as Exhibit 1127, is
 16 Information Circular 2000-09 dated
 17 November 21, 2000, which has the
 18 title "Potential threats during the
 19 holiday season," presumably of the
 20 year 2000.
 21 (Deposition Exhibit 1127 for
 22 identification, Information
 23 Circular 2000-09 dated November 21,
 24 2000, entitled "Potential threats
 25 during the holiday season," Bates

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 2 stamped AAL 011937 and 38 and AAL
 3 TSA 001234 and 1235.)
 4 Q. Was your office involved in
 5 the issuance of this information
 6 circular, Exhibit 1127?
 7 A. Yes.
 8 Q. Were you personally involved
 9 in its issuance?
 10 A. I don't specifically recall,
 11 but probably.
 12 Q. You were deputy director of
 13 the Office of Intelligence at the time
 14 this information circular was issued?
 15 A. Yes.
 16 Q. And I note that in the last
 17 sentence on the first page and continuing
 18 over to the top of the second page of the
 19 information circular the statement is
 20 made "Some of the currently active
 21 groups," referring I believe to Middle
 22 Eastern terrorist groups, "are known to
 23 plan and train for hijackings and have
 24 the capability to construct sophisticated
 25 improvised explosive devices concealed

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 2 group may be planning to bomb
 3 aircraft," Bates stamped AAL 011939
 4 and 40 and AAL TSA 001236 and
 5 1237.)
 6 Q. Did your office issue Exhibit
 7 1128, Mr. Manno?
 8 A. Yes.
 9 Q. Were you involved with its
 10 issuance?
 11 A. I don't specifically recall,
 12 but I expect I was.
 13 Q. In the first section under
 14 information the first sentence reads, "We
 15 continue to receive information that a
 16 Middle Eastern group may be planning to
 17 launch a campaign of placing improvised
 18 explosive devices, IEDs, on aircraft."
 19 Was one of the purposes of the
 20 issuance of this information circular to
 21 remind air carriers of the possible
 22 threat posed by improvised explosive
 23 devices?
 24 A. Yes.
 25 Q. Then in the second paragraph

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 2 inside," redaction. And it goes on, "On
 3 December 21, 1988 Pan Am 103 was
 4 destroyed by a bomb hidden in a radio
 5 cassette recorder."
 6 Was one of the purposes of
 7 issuance of this Information Circular
 8 2000-09 to warn air carriers that
 9 terrorist groups have the capability of
 10 constructing sophisticated IEDs?
 11 A. To remind the carriers of
 12 that.
 13 Q. That had previously been
 14 pointed out and this was a reminder?
 15 A. Yes.
 16 MR. PODESTA: I'd now like to
 17 have marked as Exhibit 1128
 18 Information Circular 2000-10, dated
 19 November 29, 2000, which is
 20 entitled "Middle Eastern group may
 21 be planning to bomb aircraft."
 22 (Deposition Exhibit 1128 for
 23 identification, Information
 24 Circular 2000-10, dated November
 25 29, 2000, entitled "Middle Eastern

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 2 under "Comment" it's partially redacted,
 3 but taking a look at that paragraph, is
 4 it fair to say that one of the purposes
 5 of the paragraph was to urge the use of
 6 explosive detection systems at
 7 extraordinary security locations?
 8 A. Yes.
 9 Q. And finally in this series of
 10 information circulars, I'd like to show
 11 you and have marked as Exhibit 1129,
 12 Information Circular 2001-04A, dated July
 13 31, 2001 and bearing the title "Continued
 14 Middle Eastern threats to civil
 15 aviation."
 16 (Deposition Exhibit 1129 for
 17 identification, Information
 18 Circular 2001-04A, dated July 31,
 19 2001, entitled "Continued Middle
 20 Eastern threats to civil aviation,"
 21 Bates stamped AAL 011974 through 76
 22 and AAL TSA 001271 through 1273.)
 23 Q. Was this information circular,
 24 Exhibit 1129, issued by your office, Mr.
 25 Manno?

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2 A. Yes.

3 Q. And just about a month and a
4 half before 9/11?

5 A. On July 31st, yes.

6 Q. And was one of the purposes of
7 this information circular to warn air
8 carriers of the potential for Middle
9 Eastern terrorist groups or individuals
10 to conduct terrorist operations against
11 US interests, particularly on the Arabian
12 Peninsula and/or in Israel?

13 A. Yes.

14 Q. And if you turn to the comment
15 section, it states, "Despite recent
16 terrorist activity which suggests a
17 possible near-term terrorist attack, the
18 target of such an attack is less clear.
19 The Federal Aviation Administration does
20 not have any credible information
21 regarding specific plans by terrorist
22 groups to attack US civil aviation
23 interests. Nevertheless, some of the
24 currently active groups are known to plan
25 and train for hijackings and have the

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2 capability to construct sophisticated
3 IEDs concealed" and then the method of
4 concealment appears to be redacted.

5 Was one of the purposes of
6 this information circular to warn air
7 carriers against the potential threat
8 posed by sophisticated improvised
9 explosive devices used by terrorist
10 groups?

11 A. Yes.

12 Q. Now, just by way of
13 background, turning our attention to
14 hijacking threat, were airplane
15 hijackings a substantial problem in the
16 United States in the 1960s and 1970s?

17 MR. TOMASIK: Object to form.

18 A. There were a considerable
19 number of hijackings, yes.

20 Q. Did the installation of metal
21 detectors and x-ray machines at airport
22 security checkpoints have any impact on
23 the number of domestic hijackings in the
24 1970s and eighties?

25 MR. TOMASIK: Objection; form,

1 CLAUDIO MANNO - HIGHLY CONFIDENTIAL

2 that an agency like FAA faces in terms of
3 available security resources?

4 A. Yes.

5 MR. TOMASIK: Objection;

6 speculation, form, outside the

7 scope of approved topics.

8 Q. In deciding upon appropriate
9 countermeasures to terrorist threats, did
10 the FAA try to make its best judgments as
11 to which terrorist threats are the most
12 serious and most likely?

13 A. Yes.

14 Q. And did the FAA in prescribing
15 countermeasures to terrorist threats try
16 to prioritize its countermeasures to
17 address the most serious and most likely
18 threats?

19 A. Yes.

20 Q. In your experience, in your 30
21 years as an anti-terrorist, did
22 terrorists normally have the ability to
23 choose the time, place and manner of
24 their attacks?

25 MS. NORMAND: Objection to

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2 A. Not that I recall.

3 Q. Before 9/11, did FAA have any
4 credible intelligence indicating that the
5 weapons al Qaeda would choose for its
6 terrorist attacks in the United States
7 would be short-bladed knives or other
8 small, sharp cutting implements?

9 A. No.

10 Q. Did you as the director of the
11 FAA's Office of Intelligence have any
12 factual basis for anticipating on
13 September 10, 2001, that gangs of armed
14 terrorists armed with only -- armed only
15 with short-bladed knives and capable of
16 piloting the planes themselves, would
17 hijack multiple commercial passenger jets
18 and deliberately crash them in the
19 previously selected ground targets?

20 MR. TOMASIK: Objection to
21 form.

22 MS. NORMAND: Only answer
23 generally.

24 A. We had no intelligence,
25 specific and credible intelligence that

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2 said that.

3 Q. Did you have any inkling on
4 September 10, 2001, that this type of
5 attack I just described was in the
6 offing?

7 MR. PARRETT: Objection; form,
8 calls for opinion.

9 A. No.

10 Q. Did the intelligence available
11 to FAA at dawn on the morning of 9/11
12 concerning Al-Qaeda's terrorist
13 intentions in the United States, amount
14 to anything more than an awareness that
15 al Qaeda posed a threat and might attack
16 anywhere, at any time, in any manner?

17 MR. TOMASIK: Objection to
18 form.

19 MR. PARRETT: Same object.

20 MS. NORMAND: Same objection.

21 A. That was our understanding,
22 yes.

23 Q. I'd like to refer you back to
24 the so-called dark interview memo which
25 has now been characterized as SSI 41.

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2 there were additional questions, we would
3 go back to the agency that provided it
4 and ask them to give us additional
5 details, explore it further, again, to
6 try to determine how credible the
7 information was.

8 Q. And how serious a threat it
9 posed?

10 A. Exactly.

11 Q. Now let's turn for a moment to
12 topic 26 which I think we've partially
13 covered. During the five years before
14 9/11, did the FAA issue any information
15 circulars -- well, first of all let me
16 rephrase it.

17 Putting aside the one
18 reference we saw to the Air India
19 hijacking where the terrorists used
20 pistols, grenades and knives, during the
21 four years -- during the five years
22 before 9/11, did the FAA issue any
23 information circulars or security
24 directives calling attention to the
25 possibility that terrorists might seek to

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2 page, TSA 11526, and there's a bullet
3 point that says "FAA has received no
4 threat information suggesting attacks
5 involving multiple hijackers armed with
6 short-bladed weapons and using extreme
7 violence."

8 To your knowledge, as FAA's
9 director of the Office of Intelligence,
10 was that an accurate statement as of the
11 morning of September 11th, 2001, dawn,
12 eastern time?

13 A. Yes.

14 Q. I'd like now to turn to the
15 light interview memo which we have
16 ignored thus far but which has been
17 marked as Exhibit 1122 and I'd like to
18 refer you to Page 7.

19 A. This is quite a stack.

20 Q. You should be glad you weren't
21 the corporate representative like Mr.
22 Cammarato. There's a section in this
23 interview memo entitled "Suicide
24 hijacking" and then there's a redacted
25 block which I will not ask you about, and

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2 hijack commercial aircraft using
3 short-bladed knives or other small, sharp
4 cutting instruments?

5 A. No, not that I recall.

6 Q. During the five years before
7 9/11, and putting aside the one Air India
8 hijacking reference to knives with
9 pistols and grenades, during the five
10 years before 9/11, to the best of your
11 knowledge, did FAA issue any
12 communications to domestic airlines or
13 airports or checkpoint security companies
14 suggesting that short-bladed knives or
15 other small, sharp cutting instruments
16 were likely to be used in terrorist
17 operations?

18 A. No, not that I recall.

19 (SSI Exhibit 18, previously
20 marked and shown to witness.)

21 Q. I'd like to refer you to SSI
22 Exhibit 18 which was identified and
23 authenticated at the deposition of Robert
24 Cammarato as the FAA 30(b)(6) witness.
25 And I'd like to refer you to the first

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2 A. Yes.

3 MR. PODESTA: Don't worry,

4 Sarah, I'm not going to ask who

5 they are.

6 Q. Let's turn now to topic 34.

7 We've already discussed some specific

8 security directives so maybe we've

9 covered parts of this topic. What role

10 or function did security directives play

11 in the aviation security system before

12 9/11?

13 A. What role?

14 Q. Or function did security

15 directives play in the aviation security

16 system before 9/11?

17 A. It was a means for the FAA to

18 direct carriers to take certain actions

19 to counter threats.

20 Q. Was compliance by an air

21 carrier with a security directive

22 mandatory?

23 A. Yes.

24 Q. Could an airline be fined or

25 penalized by FAA for failing to comply

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2 with a security directive?

3 A. Yes.

4 Q. Would it be fair to describe

5 security directives as a means by which

6 FAA adopted countermeasures to meet

7 perceived terrorist threats?

8 A. Yes.

9 Q. To what types of entities

10 would security directives typically be

11 addressed by the FAA pre-9/11?

12 A. To carriers.

13 Q. Would security directives be

14 -- would directives like security

15 directives be issued to airports in the

16 form of emergency amendments to their

17 airport security programs?

18 A. Yes.

19 Q. And effectively, these

20 emergency amendments operated as security

21 directives for airports?

22 A. The function was the same.

23 Q. Now how did information

24 circulars differ from security

25 directives?

1 H I G H L Y C O N F I D E N T I A L
2 U N I T E D S T A T E S D I S T R I C T C O U R T
3 S O U T H E R N D I S T R I C T O F N E W Y O R K

4 -----x

5 I N R E S E P T E M B E R 1 1 L I T I G A T I O N

6 N o . 2 1 M C 1 0 1 (A K H)

7 -----x

8 V O L U M E 2

9 J u n e 1 0 , 2 0 0 9

10 8 : 3 3 a . m .

11

12 C o n t i n u e d v i d e o t a p e d d e p o s i t i o n o f
13 C L A U D I O M A N N O , t a k e n b y D e f e n d a n t s ,
14 p u r s u a n t t o N o t i c e , a t t h e F a i r m o n t
15 H o t e l , 2 4 0 1 M S t r e e t , N o r t h w e s t ,
16 W a s h i n g t o n , D . C . , b e f o r e G A I L F . S C H O R R ,
17 a C e r t i f i e d S h o r t h a n d R e p o r t e r , C e r t i f i e d
18 R e a l t i m e R e p o r t e r , a n d N o t a r y P u b l i c
19 w i t h i n a n d f o r t h e S t a t e o f N e w Y o r k .

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2 A. Yes.

3 Q. Is it fair to say that both
4 terrorist bombings inflicting mass
5 casualties and the use of sophisticated
6 improvised explosive devices were
7 important trends in international
8 terrorism before 9/11?

9 A. Yes.

10 Q. On the other hand, was there
11 any -- did the FAA pre-9/11 observe any
12 discernible trend toward the use by
13 international terrorists of pilots
14 capable of hijacking and flying
15 commercial aircraft?

16 MR. PARRETT: Objection; form.

17 A. No.

18 Q. Prior to 9/11, did the FAA
19 Office of Intelligence observe any
20 discernible trend toward the use by
21 international terrorists of small-bladed
22 knives or box cutters as the weapon of
23 choice for terrorist attacks?

24 A. No.

25 Q. Before 9/11, are you aware of

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2 killing them with knives, slitting their
3 throats basically.

4 Q. That was a land-based attack?

5 A. Yes.

6 Q. Like out at the Pyramids?

7 A. It was out --

8 MR. WOOD: Luxor.

9 A. Luxor.

10 Q. The temple?

11 A. Yes.

12 Q. But it did not involve
13 aviation?

14 A. No.

15 Q. Now I'd like to refer your
16 attention to SSI 18 which we discussed
17 yesterday and which was identified by Bob
18 Cammarato at his deposition. And I'd
19 like to refer you to -- this is entitled
20 "Knives and sharp objects," and the
21 issue, according to the heading, it's
22 designed to address is "Explain why FAA
23 allowed passengers to carry knives with
24 blades up to four inches long onto
25 aircraft." And I'd like to direct your

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2 any terrorist attack by al Qaeda in which
3 knives or other small sharp cutting
4 implements were the primary method of
5 attack?

6 A. No.

7 Q. Before 9/11, are you aware of
8 any attack by any group of international
9 terrorists in which knives, box cutters
10 or other small, sharp cutting implements
11 were the exclusive weapon of choice --
12 were the exclusive weapon used?

13 A. No.

14 Q. We had the Air India attack
15 where they had knives but they also had
16 pistols and grenades. Can you think of
17 any international terrorist attack, any
18 attack by any organized group of
19 terrorists in which knives of any type
20 were the exclusive weapon of attack?

21 A. I think there was one attack
22 in Egypt, and I believe it was before,
23 I'm sure it was before 9/11, where a
24 group of terrorists murdered about 40 or
25 50 tourists in an historic site by

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2 attention to the background section. Do
3 you need an extra 18?

4 MS. NORMAND: We're still
5 looking for it.

6 MR. PODESTA: Our security
7 here is so great we can't even find
8 the documents themselves. Here you
9 go.

10 MS. NORMAND: Thank you.

11 MR. PODESTA: Do you need
12 another 18?

13 MR. PARRETT: No, thanks,
14 we're fine.

15 Q. If you see in the first bullet
16 point under the background section, it
17 indicates that there were 107 hijacking
18 incidents involving US registered
19 aircraft.

20 A. Yes.

21 Q. Between 1977 and 2000. And US
22 registered includes a term that involves
23 US aircraft flying overseas, does it not?

24 A. Yes.

25 Q. And of these 107 hijacking

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 2 incidents, 12 involved knives or similar
 3 objects. Do you see it says that?
 4 A. Yes.
 5 Q. And six involved knives with
 6 blades four inches long or less, do you
 7 see that?
 8 A. Yes.
 9 Q. Six out of 107?
 10 A. Yes.
 11 Q. And of course prior to 9/11,
 12 many small-bladed knives, knives with
 13 blades under four inches long were
 14 permitted through the security checkpoint
 15 under the ACSSP deadly and dangerous
 16 weapons guidelines?
 17 MR. PARRETT: Objection to
 18 form.
 19 MR. McLAUGHLIN: Objection to
 20 form.
 21 A. I'd have to look at the ACSSP.
 22 Q. Would you defer to Mr.
 23 Cammarato's views on that?
 24 A. Yes.
 25 MR. PARRETT: Objection.

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 2 pre-9/11 the use of short-bladed knives
 3 by international terrorists was not an
 4 observable trend, at least insofar as
 5 civil aviation was concerned?
 6 MR. TOMASIK: Objection; form.
 7 A. It was not a trend, yes.
 8 (Deposition Exhibit 1148,
 9 previously marked and shown to
 10 witness.)
 11 Q. I'd like to show you Exhibit
 12 1148, which I believe Mr. Tomasik showed
 13 you this morning. This is a 1993
 14 analysis of civil aviation incidents in
 15 the United States and I believe Puerto
 16 Rico, from 1983 to 1992.
 17 A. Yes.
 18 Q. If you look at the first
 19 paragraph, it indicates that there were
 20 36 incidents in this period that involved
 21 the hijacking or commandeering of
 22 aircraft. Do you see that?
 23 A. Yes.
 24 Q. And it says that 29, in the
 25 same paragraph it says that 29 of these

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 2 Q. Would you expect Mr. Cammarato
 3 to have greater knowledge of checkpoint
 4 security procedures in effect before 9/11
 5 than you have?
 6 A. Yes.
 7 Q. The background goes on to say
 8 "The most recent case involving a short
 9 blade was in 1986 and none of the cases
 10 were of a terrorist type or involved
 11 extreme violence." Do you see that?
 12 A. Yes.
 13 Q. Is that consistent with your
 14 awareness -- with the information you had
 15 pre-9/11?
 16 A. Yes.
 17 Q. It then goes on to say "FAA
 18 has received no threat information
 19 suggesting attacks involving multiple
 20 hijackers armed with short-bladed weapons
 21 and using extreme violence."
 22 Is that consistent with the
 23 information in your possession pre-9/11?
 24 A. Yes.
 25 Q. Is it fair to say that

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 2 incidents were hijackings. Do you see
 3 that information in the first paragraph?
 4 A. Yes.
 5 Q. Then if you go down to the
 6 last paragraph on the first page it says
 7 "Real weapons were used during five
 8 hijackings." Do you see that?
 9 A. Yes.
 10 Q. Assuming that information is
 11 true, wouldn't that mean that the
 12 majority of hijackings, 24 out of 29,
 13 took place without the use of any real
 14 weapons at all by the hijackers?
 15 A. Yes.
 16 Q. Over 80 percent?
 17 A. Yes.
 18 Q. And only 5 out of 29 involved
 19 any type of weapon?
 20 A. Yes.
 21 Q. And then it says "Small
 22 knives, blade length of four inches or
 23 less, the most frequently employed weapon
 24 to hijack aircraft were used in three
 25 incidents." That would be three out of

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2 29?

3 A. Yes.

4 Q. Now if you turn to Page 6 you
5 will see there's a summary of the results
6 of these hijackings and commandeerings.
7 You see that on Page 6 there's a series
8 of bullet points?

9 A. Yes.

10 Q. And it says "Of the 36
11 incidents, generally only one person was
12 involved in each incident."

13 Is that consistent with your
14 knowledge of American hijackings
15 pre-9/11?

16 A. Yes.

17 Q. And it also says that "During
18 this period from 1983 to 1992
19 international terrorists were not
20 involved in any of the incidents."

21 Is that consistent with your
22 understanding?

23 A. Yes.

24 Q. Then it says "Many of the
25 perpetrators simply wanted to go

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2 death to any passengers or any crew

3 members?

4 A. Correct.

5 Q. Would you defer to Mr.
6 Cammarato as to the extent to which the
7 FAA viewed small knives as a threat at
8 the checkpoint?

9 MS. NORMAND: Objection to
10 form.

11 Q. Pre-9/11?

12 A. Yes.

13 MR. PODESTA: Miraculously, I
14 have concluded in 18 minutes.

15 MR. ELLIS: I get his time.
16 Are we out of time?

17 MR. PODESTA: Unfortunately,
18 we have an hour and 16 minutes left
19 but there will be substantial peer
20 pressure exerted on Mr. Ellis not
21 to use it all.

22 THE VIDEOGRAPHER: We'll go
23 off the record at 2:04 p.m.

24 (A recess was taken.)

25 THE VIDEOGRAPHER: We are back

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2 somewhere for a variety of economic,
3 social or family reasons and either could
4 not afford a ticket or had no other means
5 of transport."

6 Is that consistent with your
7 knowledge of American hijackings in this
8 period?

9 A. Yes.

10 Q. And this is a period in which
11 you were involved with the FAA, isn't
12 that correct, from 1987 to 1992?

13 A. Yes.

14 Q. Then the final bullet point
15 says "During all the hijackings of United
16 States registered aircraft in this
17 ten-year period there were no deaths to
18 passengers or aircraft crew members."

19 A. Correct.

20 Q. And that's consistent with
21 your understanding?

22 A. Yes.

23 Q. So that during this period,
24 whatever hijackings may have occurred
25 with small knives, did not result in